

Grant County Planning Commission

July 28th, 2003

The July 28 2003 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Bill Marksberry, Marvin Faulkner, Brooke Rider, Stephen Mann, Stephen Fritz, William Covington, Kevin Hudson, Tom Neinaber and Ray Erpenbeck.

There was a quorum present.

ITEM 1. JUNE 23 MINUTES

Marvin Faulkner made a motion to approve the meeting minutes for June 23, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2. JUNE FINANCIAL REPORT

Stephen Mann made a motion to approve the May financial report, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3. ADMINISTRATORS REPORT

Jonathan gave the Commission registration forms for the KAPA Fall Conference. He also stated that the office has received 2 projects from Corinth and 1 from the County. These are projects that they would like the Commission to look into.

ITEM 4. TEXT AMENDMENT - CITY OF WILLIAMSTOWN

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

John Lawrence read the City of Williamstown's request to add Pharmacy to the HC zone.

Jonathan stated that Pharmacy was currently a use in the NC and CBD zone and asked why they wanted it in the HC zone as well.

Doug Beckham stated that the City Council had been petitioned by a citizen.

Jonathan asked if Pharmacies were a conditional use in the zone.

Mr. Beckham stated that they were not.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against.

John Lawrence declared the public hearing closed.

Bill Marksberry made a motion to approve the request, Stephen Mann seconded the motion. A hand vote was taken, Bill Marksberry - yes, Marvin Faulkner - yes, Brooke Rider - no, Stephen Mann - yes, Stephen Fritz - yes, William Covington - yes. Motion passes.

ITEM 5: ZONE CHANGE - COLLIER A1 TO A2

APPLICANT: Aileen Collier

GENERAL LOCATION: An approximate 40.3223 acre area located on the west side of Heathen Ridge Road at the intersection of Lanter Road

REQUEST: to change the zoning of the property from A1 - Agricultural-One to A2 - Agricultural - Two

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Tom Leach, representing the applicant, stated that the request was to have 40 acres divided into 6 lots ranging from 5.5 acres to 8.9 acres. He stated that the intention was to give 1 lot to each of her 3 kids and to sell the other 3 lots.

John Lawrence asked if anyone wished to speak for or against the request.

Tim Schaffer stated that he owned the property across from this property and that he was not for or against the request. He stated he wanted to make sure that this would not have an impact on his property which there is a feeding lot for calves across from the applicant's property.

Kevin Hudson arrived at 7:15.

MR. Schaffer stated that this is not the case of putting a hog lot next to the development to stop it. He said that the Federal and state government have been involved and have inspected his feed lots and he doesn't have a problem with people wanting to develop he just wants to make the applicant as well and any people coming in aware that there is a farm across the street and there will be smells. He said that he just wanted to make the commission aware and the developer to make future owners aware. Mr. Schaffer asked if anything would prevent him from continuing his farming.

John Lawrence stated that it should not.

Mr. Neinaber stated that the commission cannot give a definite answer that it will not impact him.

Mr. Schaffer asked if he would be prevented from raising the cows.

Mr. Neinaber stated that as long as the use is permitted under zoning he can conduct farming on the property.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was denial of the zone change because the proposal is not in compliance with the adopted comprehensive plan, there is no evidence that the current zoning of the property is improper and there is no evidence that there have been major changes in economic, physical or social nature of the area that was not anticipated by the comprehensive plan. Findings: 1. proliferation of septic systems that could have an adverse impact on the surrounding properties. 2. the roadway is not sufficient enough to accommodate the amount of traffic that could be generated from the proposed zoning classification. 3. the current zoning classification is appropriate and thus should remain agricultural with a minimum lots size of 10 acres. 4. there has not been any significant change in the economic, physical or of a social nature the comprehensive plan did not take that into consideration. Comprehensive plan does consider the limited development of agricultural lands but with the certain criteria being met. Limiting the amount of traffic generated, proximity to urban services such as police and fire, the current and future use of land and the general soils of the area lead this office to believe that the comprehensive plan makes a recommendation of an A1 zone.

Stephen Mann asked what the lot size in A2 was and why 6 lots would have a negative impact.

Jonathan stated that the minimum lot size is 5 acres and the comprehensive plan states that the proliferation of septic systems should be avoided.

Jonathan stated that this is a subdivision and normally with the A2 zone it is a parent giving a son or daughter 5 acres to build a house.

Stephen asked how many lots the A2 zone would allow.

Jonathan stated that the zone only allows for 5 lots and the plan shows 6.

Mr. Leach stated that Mrs. Collier is widowed and is going to give 3 lots to children and there is only going to have 2 more homes that would be under A1 zone.

Jonathan asked if Mr. Leach knew for a fact that the land could be divided into that many 10-acre tracts.

Mr. Leach stated that he did.

Stephen Mann asked how far down the road this property was.

Mr. Leach stated that it was approximately 2 miles.

Stephen Fritz asked to width of the road.

Jonathan stated that it was a typical county road which was probably 12-15 feet of pavement.

Stephen Fritz asked if there were other large farms on the road besides Mr. Schaffer.

Jonathan stated that there were large agricultural tracts.

Stephen Mann stated that his concern was not with the septic on 5 acres he felt would that would not impact the area that his concern was with the roadway.

Stephen Fritz asked if there would be septic on the property or lagoons.

Jonathan stated that it would be whatever the property would allow.

Stephen Mann stated that he thought the number of lots was too many.

Stephen Mann made a motion to deny the request based on the staff findings in the staff report concerning the roadway and that the property could be divided into 10 acre lots, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 6: ZONE CHANGE - SPONCIL A1 TO A2

APPLICANT: Wayne Sponcil

GENERAL LOCATION: An approximate 11.6140 acre area located on the east side of Sherman Newton Road approximately 0.48 miles east of U.S. Route 25

REQUEST: to change the zoning of the property from A1 - Agricultural-One to A2 - Agricultural - Two

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Sponcil stated that there was a house and business on the property and he wanted to separate the two.

John Lawrence asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was approval of the zone change because the proposal is in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation are: 1. with an existing home on the property, there should be no environmental or urban services issue with the proposed development and should provide for the use for viable agricultural production in the surrounding areas of the community. 2. the roadway is sufficient enough to accommodate the amount of traffic that could be generated from the proposed zoning classification. CONDITIONS: 1. the applicant should return to the Board of Adjustment to ensure there are no issues with the placing the conditionally approved "mini-warehouse storage units" into the Agriculture-two zoning classification.

Mr. Sponcil asked if he could or could not build a house on the property with the business.

Jonathan stated that he didn't think he could. He said that use could not be increased without the Board of Adjustment approval.

Marvin Faulkner made a motion to approve the request based on the staff findings in the staff report, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM #7 - Zone Change - Romart Development - City of Williamstown

Chairman Lawrence opened the Public Hearing for Romart Development LLC and asked if all fees had been paid and all notification had been made. Mr. Britt and Ms. Ruholl explained that they had. Chairman Lawrence asked if there was a representative for Romart that wished to explain the application.

Mr. Dusing and Mr. Murphy were there to represent Romart and explain the application. Mr. Dusing began by explaining to the Commission that the requested zone change is in compliance with not only the future Land Use Map, but the text of the Comprehensive Plan as well. He explained that the future Land Use Map shows the property as Agricultural/Rural-Residential. The current property is already an A-1 inside the City of Williamstown which required a minimum lot size of 22,500 square feet thus allowing 1.17 lots per acre without a zone change. The zone change request and the concept development plan filed with the zone change request would only allow 1.9 lots per acre. The current City of Williamstown zoning ordinance does not have a Rural-Residential zoning classification, but the R-1 is the closest thing that the City of Williamstown has and it is the most restrictive residential zoning classification. The owner wants to provide upper-scale residential housing around Lake Williamstown and since this is no addition to the density that could currently be done on the property; the impact of the development would be the same or less as is currently allowed.

The text of the 2001 Comprehensive Plan calls for the "Development and promotion of lake recreation and upper scale housing." The proposed development would extend sewer to the property which would serve two Environmental Objectives in the Comprehensive Plan; to "prevent the pollution by providing facilities for the proper treatment and handling of water, sewer and solid waste." Also the project would "minimize proliferation of septic systems for new development." The project would also "require major subdivisions to be located on centralized sewage treatment systems" as well as "expand existing sewer systems especially to Williamstown Lake, Boltz Lake Corinth Lake and Bullock Pen Lake." Any agricultural use on the property would drain to the lake and would likely have an adverse impact than a residential subdivision with sewer.

Mr. Dusing, referring to the future Land Use Map for the City of Williamstown described the property that surrounds the proposed location as being low-density residential development which meant 0-3 lots per acre and again, this development would not come close to the 3 lots per acre.

Mr. Dusing discussed housing types that were proposed for the subdivision that called for single-story homes to be restricted to a minimum of 1,700 square feet and two story homes that would be a minimum of 1,800 square feet. Mr. Dusing stated that the houses would be “snobby” but would be of a higher quality than currently exist around the lake. Mr. Dusing continued to explain that the development would have a nice stone entrance, sidewalks and street lights that looked like the “old Fashion gas street lights” like the City of Williamstown has downtown. Also there would be no above ground pools, all out buildings would have to match the homes and the homes would have brick or stone front with homes that would range from \$200,000 to \$400,000. Mr. Dusing explained that the development and building of the subdivision would be controlled because there would only be one builder; Mr. Martin.

Mr. Logan Murphy presented the Commission with an aerial photograph showing the entrance to the property as well as some traffic analysis for the development. Mr. Murphy explained that the developer had purchased an additional sixty (60) feet so that the entrance to the subdivision would be in the best possible place on Humes Ridge Road. The aerial photograph shows the left sight distance to be 450 feet and the right sight distance to be 650 feet which well exceed the requirements of the Grant County Subdivision Regulations.

Mr. Britt asked Mr. Murphy how far the property was from the end of the city maintained section of the roadway. Mr. Murphy stated that it was between half and mile and three-quarters of a mile from the property. Mr. Stephen Mann asked Mr. Murphy to explain the Memo that described the number of vehicles per day and the peak hours that they would be coming and going from the subdivision. (Memorandum attached for consideration.) Mr. Murphy explained that the biggest traffic impact would be at the intersection of Humes Ridge Road and US 25, but with the property owner on the corner building a new building and tearing down the existing building, thus widening the entrance to Humes Ridge Road; it should be improved. Mr. Murphy explained that the only real problem in the mornings or afternoons was if the garage had a truck they were trying to get in or out of the building. Mr. Dusing presented a letter to the Commission as well as a Site Plan approving the new building by Mr. Beckham the City Administrator. Mr. Dusing told the Commission that the development already had 12 lots sold to 7 airline pilots and one anesthesiologist; thus making the traffic impact very minimal since they didn’t travel the roadway at “normal peak hours.” Mr. Britt was asked if the lots could be sold before they had the zone change and the final plat was approved. Mr. Britt explained that they could not sell the lots until everything was complete, but could get commitments to buy and that is probably what Mr. Dusing was referring.

Chairman Lawrence asked if anyone wished to speak for or against the proposed zone change request. Mr. Brent Caldwell - Humes Ridge Road - wanted to know if the traffic impact that Mr. Murphy was talking about took only one vehicle into consideration. Mr. Caldwell stated that usually a home will have two or three vehicles. Mr. Murphy stated that the impact analysis came from the 6th Edition of Trip Generation done by the International Transportation Engineers. Mr. Caldwell also asked if all the easements for sewer along Humes Ridge Road had been obtained. Mr. Murphy stated that they have not gotten any easements as of yet but intend to as soon as possible. Mr. Murphy continued to explain to the Commission that there would be a pump station on the property that would pump the sewer back up to the roadway and then a force main would have to be placed along Humes Ridge Road. Mr. Stephen Mann asked Mr. Murphy how far would they have to pump the sewage to get it to current City sewer. Mr. Murphy state that it was about a mile. Mr. Mann asked if the property owners along Humes Ridge would be required to “hook on” to the sewer if it ran by their house. Mr. Murphy stated that it would be very difficult to make them because you can’t just tap into a force main. Mr. Britt asked Mr. Murphy if the sewer easements could not be obtained, what would happen to the project. Mr. Murphy stated that the developer wouldn’t be able to do the project. Mr. Dusing suggested that the Commission make the sewer requirement a condition of the zone change request.

Mrs. Paul - adjoining property owner - stated she was in favor of the zone change request because it would update the area and hopefully bring taxes down.

Mr. Jeff Russ - area resident - asked what the start and completion date for the project would be. Mr. Murphy stated that the project probably won’t get started until next spring and as far as the completion date; had no idea but he new it would take some time, maybe 10 to 15 years. Mr. Russ asked if they were all single family homes. Mr. Dusing stated that they would be. Mr. Russ asked how many lots were on the lake side and if they had any intention of building private docks on those lots. Mr. Murphy stated there are 13 lots that front on the lake and that the City of Williamstown owns 50 feet around the lake so the docks would be up to the City of Williamstown. Mr. Britt asked Mr. Murphy about the proposed flag lots. Mr. Britt is under the impression that the City of Williamstown doesn’t like flag lots. Mr. Murphy stated that the flag lots were legal and meets the requirements of the Subdivision Regulations.

Mr. Terry Mains - adjoining property owner - stated that he was concerned about the drainage on his property and construction early Saturday mornings. He wants all the improvements done before construction begins. Mr. Britt stated that all the improvements would have to be done or a bond put up by the developer before any lots could be sold. As far as the early Saturday mornings, Mr. Britt stated that no one could control the weather and there may be a couple of Saturdays that the developer would have to work. Mr. Martin stated that he did not intend to work on Saturdays but may have to if it rained.

Chairman Lawrence closed the public hearing portion of the zone change hearing and referred to Mr. Britt for his recommendation. Mr. Britt read his recommendation, stating that the only real concern he had was the traffic issue and in particular the intersection of US 25 and Humes Ridge Road. (A copy of the recommendation attached for consideration.) Mr. Mann asked if there was a list of the conditions to be placed on the zone change request. Mr. Dusing read aloud the list of conditions and stated that the applicant was acceptable to the conditions being placed on the zone change request. The list is as follows:

1. Single story houses shall be at a minimum 1,700 square feet.
2. Two story homes shall be at a minimum of 1,800 square feet.
3. All structures shall have a masonry fronts.
4. There shall be no above ground pools.
5. All out buildings shall match the homes.
6. The subdivision will place electric street lights in the subdivision.
7. There shall be sidewalks in the subdivision.
8. The subdivision shall have a stone entrance.
9. The subdivision will be required to have sanitary sewage treatment supplied by a local municipality.

Mr. Stephen Fritz asked if there could be a turn lane for the development. Mr. Ray Erpenbeck - Commission Engineer - stated that it is not necessary until you get over 100 homes on a development.

Mr. Marvin Faulkner made a motion to approve the zone change request because it was consistent with the adopted Comprehensive Plan, with the conditions listed above based on the findings of fact listed in Mr. Britt's recommendation. Mr. Fritz seconded the motion. All voting in favor; motion passes.

ITEM 8: CONVEYANCE PLATS - JULY

Stephen Mann made a motion to approve the list of conveyances, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: EXECUTIVE SESSION

Stephen Mann made a motion to go into executive session to discuss personnel, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Stephen Mann made a motion to come out of executive session, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Stephen Mann made a motion to approve office raises per evaluations, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 10: OTHER BUSINESS

John Lawrence stated that a committee needed to form and look into nominations for officers. Stephen Fritz, Brooke Rider and Marvin Faulkner agreed to present nominations and the next meeting.

Stephen Mann asked what projects had been submitted.

Jonathan stated that Corinth submitted 1. the city park and 2. infrastructure and annexation in the city. He said that the county wanted the overall transportation of the county looked at.

The Commission discussed Osborne Road as their project.

Item 16. Adjournment

Stephen Mann made a motion to adjourn, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE